



Case Western Reserve Law Review

Volume 32 | Issue 3

1982

Volume 32 Issue 3 (1982)

Case Western Reserve University Law Review

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>



Part of the [Law Commons](#)

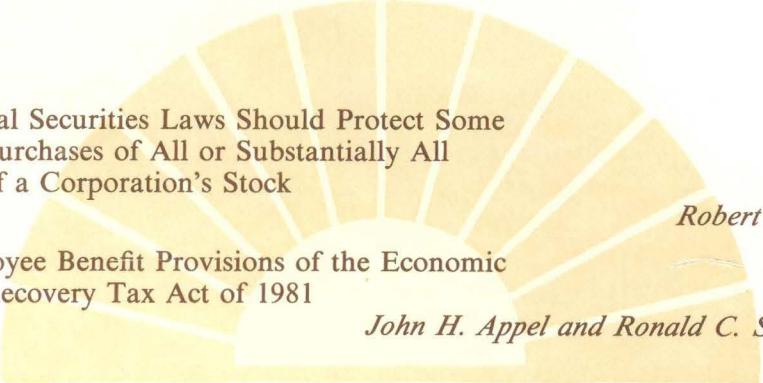
Recommended Citation

Case Western Reserve University Law Review, *Volume 32 Issue 3 (1982)*, 32(3) Case W. Res. L. Rev. Front Matter (1982)
Available at: <https://scholarlycommons.law.case.edu/caselrev/vol32/iss3/2>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.



CASE WESTERN RESERVE LAW REVIEW



Federal Securities Laws Should Protect Some
Purchases of All or Substantially All
of a Corporation's Stock

Robert N. Rapp

Employee Benefit Provisions of the Economic
Recovery Tax Act of 1981

John H. Appel and Ronald C. Stansbury

Rethinking the Role of Caveat Emptor
in Execution Sales

Retreat From Intermediate Scrutiny
in Gender-Based Discrimination Cases

Contemporary Ante-Mortem Statutory
Formulations: Observations and Alternatives

CASE WESTERN RESERVE UNIVERSITY LAW SCHOOL FACULTY

Administrative Officers

LINDSEY COWEN, B.A., J.D., LL.M., *Dean and Professor of Law*
DANIEL T. CLANCY, B.S., LL.B., *Associate Dean for Student
Affairs and Director of the Center
for Criminal Justice*
HUGH A. ROSS, B.S., LL.B., LL.M., S.J.D., *Associate Dean
for Academic Affairs and Professor of Law*

Dean Emeritus

FLETCHER R. ANDREWS, A.B., LL.B., J.S.D.

Professor Emeritus

SIDNEY B. JACOBY, J.D., LL.B.

Professors of Law

ROGER I. ABRAMS, B.A., J.D.
ARTHUR D. AUSTIN II, B.S., LL.B.
*Edgar A. Hahn Professor of
Jurisprudence*
RONALD J. COFFEY, A.B., LL.B., LL.M.
KENNETH S. COHEN, B.S., LL.B.
MELVYN DURCHSLAG, B.S., J.D.
LEON GABINET, Ph.B., J.D.
PAUL C. GIANNELLI, B.A., J.D.,
M.S., LL.M.
SIMON L. GOREN, Dip. Law, M.L.S.,
Librarian
PETER D. JUNGER, A.B., LL.B.
LEWIS R. KATZ, A.B., J.D.
John C. Hutchins Professor of Law
ROBERT P. LAWRY, B.A., J.D., Dip. Law
WILBUR C. LEATHERBERRY, A.B., J.D.

JAMES W. MCELHANEY, A.B., LL.B.
*Joseph C. Hosteller Professor of
Trial Practice and Advocacy*
EDWARD A. MEARNs, JR., B.S., LL.B.
KAREN NELSON MOORE, A.B., J.D.
SPENCER NETH, B.A., LL.B., LL.M.
SIDNEY PICKER, JR., A.B., LL.B., LL.M.
*U.S. Director, Canada-U.S. Law
Institute*
OLIVER C. SCHROEDER, JR., A.B., J.D.
*Albert J. Weatherhead III and Richard
W. Weatherhead Professor of Law and
Criminal Justice*
MORRIS G. SHANKER, B.S.E.E., M.B.A.,
J.D.
John Homer Kapp Professor of Law

Associate Professor of Law

MARCIA GAUGHAN MURPHY, A.B., J.D.

Assistant Professors of Law

ERIC H. ZAGRANS, B.A., J.D. DAVID C. SOBELSOHN, B.A., J.D.
STEVEN N. BULLOCH, B.A., J.D.

Case Western Reserve Law Review

Volume 32

1982

Number 3

Editor-in-Chief

Judith L. Colenback

Articles Editors

Cynthia Smith Adelman
Roger W. Strassburg, Jr.

Notes Editors

Richard H. Miller
Edward Winslow Moore

Managing Editor

John L. Kraus

Topics Editor

Elizabeth B. Murdock

Research Editor

Kathy Pittak Lazar

Editors

Bradley C. Elrod
Myra Gendel
Jane Kestenbaum
Raymond M. Malone
Lawrence P. McCarthy III

Laura C. Mow
Lynn Frances Ondrey
Theodore J. Tucci
Michael Willis Vary
Donald L. Willits

Associate Editors

Debra D. Golden

Joy Lea Pritts

David Joseph Somrak

Associates

Marian C. Abram
Michael A. Axel
Jeffrey Baddeley
Stacy D. Ballin
Howard S. Beder
Jay Blackstone
Deborah Janco Brown
Kenneth S. Cline
Steven Clymer
George S. Crisci
Michael DeSantis
Jack T. Diamond
John Donovan

Robert J. Drexler, Jr.
Robin A. Driskel
Merle Evans
Philip L. Francis
Daniel A. Friedlander
Mark Andrew Gamin
Jeremy Gilman
Ronnie Henderson
Daniel Hughes
Charles S. Konigsberg
David Lester
Sharon L. Levine
Elaine A. Lisko

Paul F. Marks
Paul A. Meyer
Barry J. Miller
Suzanne H. Nathanson
Clayton Paterson
Barbara A. Rutigliano
Adele Sapienza
Edward Small
George Sawyer Springsteen
Sharyn Tepper
Richard H. Verheij
Jeffrey R. Wahl
Joseph C. Weinstein

Faculty Advisor

Karen Nelson Moore
Professor of Law

Case Western Reserve Law Review

Volume 32

1982

Number 3

Copyright © by Case Western Reserve Law Review

Contents

ARTICLES

- Federal Securities Laws Should Protect
Some Purchases of All or Substantially
All of a Corporation's Stock
Robert N. Rapp 595

- Employee Benefit Provisions of the
Economic Recovery Tax Act of 1981
John H. Appel and Ronald C. Stansbury 628

NOTES

- Rethinking the Role of Caveat Emptor
in Execution Sales 735
- Retreat From Intermediate Scrutiny in
Gender-Based Discrimination Cases 776
- Contemporary Ante-Mortem Statutory
Formulations: Observations and
Alternatives 823

The CASE WESTERN RESERVE LAW REVIEW (ISSN 0008-7262), formerly the Western Reserve Law Review, is published quarterly by the students of the Case Western Reserve School of Law. Second class postage paid at Cleveland, Ohio and additional mailing offices.

Editorial and business offices are located at Case Western Reserve University, 11075 East Blvd., Cleveland, Ohio 44106, telephone (216) 368-3312. The submission of unsolicited manuscripts is invited.

Subscriptions are entered for the entire volume only at \$12.00 per year. Single copies of issues in the current volume are available for \$3.50. For foreign orders add \$1.00 per year for subscriptions, \$0.40 per single copy ordered. If a subscription is to be discontinued at expiration, notice to that effect should be sent to the Managing Editor; otherwise the subscription will be continued.

Back issues are available from the Case Western Reserve Law Review.

The Review is a member of the National Conference of Law Reviews. Citations conform to *A Uniform System of Citation* (13th ed. 1981), copyright by the *Columbia*, and *University of Pennsylvania Law Reviews*, *Harvard Law Review Association*, and the *Yale Law Journal*. Style conforms generally to the *United States Government Printing Office Style Manual* (rev. ed. 1973).

Except as otherwise provided, the *Case Western Reserve Law Review* grants permission for each article in this volume to be copied for use by nonprofit educational institutions, provided that 1) copies are distributed at or below cost, 2) the author and the *Review* are identified, and 3) proper notice of copyright is affixed to each copy.

* Cover Design by Susan Abramson